

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 7, 2003. Claims 1-11 and 13-14 remain pending in this application. Claims 1 and 13 are the independent claims. Favorable reconsideration is respectfully requested.

In response to the Office Action's objection to the drawing, Applicant's cancellation of Claim 12 renders the objection moot. Applicant respectfully requests withdrawal of the objection of the drawing.

In response to the objection to the specification, Applicant respectfully submits that the amendments to the title adequately respond to the objection and respectfully requests withdrawal of the objection.

On the merits, the Office Action rejected Claim 12 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicant respectfully believes the cancellation of Claim 12 renders the rejection moot and respectfully requests its withdrawal.

Further on the merits, the Office Action rejected Claims 1-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully believes the amendments to Claims 1, 3-8, 10, and 14 adequately respond to the rejections and respectfully request their withdrawal.

Further on the merits, the Office Action rejected Claims 1-2, 4-8, 10, and 13-14 under 35 USC § 102(b) as being anticipated by Sawatari et al. (U.S. Patent No. 5,923,423; hereinafter "Sawatari"). The Office Action also rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Sawatari in view of Tsuji et al (U.S. Patent No. 5,861,952; hereinafter "Tsuji"). The Office Action also rejected Claims 9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Sawatari in view of Maris (U.S. Patent No. 6,317,216; hereinafter "Maris"). Applicant respectfully submits that the pending application and claims are patentable for at least the following reasons.

Applicant's Claim 1 recites: "A device for the inspection of one or more a rotating surface (8) of a wafer (13), which device includes at least one light source (1), and a beam splitter (4) for splitting a light beam (2) that is emitted by said source into at least one reference beam (6) that is applied to a detector (16) and at least one measuring beam (5) that is applied to the surface (surfaces), the at least one measuring beam (5) containing at least

one component in the direction of movement (U) of the relevant surface (8) or in the opposite direction, and the light (15) that is reflected by the surface (8) having, at least upon detection of a defect (14) on the surface (8), a frequency (ν') that has been shifted relative to the at least one measuring beam (5) and that the at least one reference beam (6) can be superposed thereon, characterized in that the device includes an evaluation unit (29) for determining the velocity (v) of a defect (14) on the surface (8) from the shifted frequency (ν') and from this velocity the position of the defect on the surface (8)."

Sawatari fails to recite or suggest an evaluation unit for determining the velocity of a defect on the surface and from this velocity determining the position of the defect on the surface. The device of Sawatari suffers from low resolution and slow measurement time. It requires very accurate adjustment to the detector relative to the surface. Sawatari also fails to recite or suggest measuring a rotating surface. Thus Sawatari fails to recite or suggest all the limitations of Applicant's Claim 1. Applicant believes Claim 1 to be patentable over Sawatari for at least these reasons.

Independent Claim 13 recites a method substantially corresponding to the device of Claim 1 and is believed patentable for at least the same reasons.

Claims 2-11 and 14 depends from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, however, they are also deemed to define an additional aspect of the invention, and should be individually considered on its own merits. Further, Applicant respectfully believes that the § 103 rejections of Claims 3, 9, and 11 to be moot in light of the above remarks and requests their withdrawal.

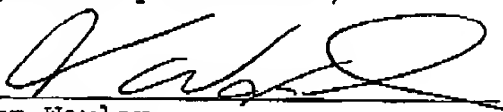
In view of the foregoing amendments and remarks, Applicant respectfully submits that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

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Respectfully submitted,

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I certify that these documents consisting of 12 pages (including this cover sheet and an amendment) is being transmitted via facsimile to the United States Patent and Trademark Office at the telephone number set forth above on July 7, 2003.



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